

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MICHAEL BUSH,

Plaintiff,

v.

THE WANG CENTER FOR THE PERFORMING
ARTS, INC. d/b/a Boch Center,

Defendant.

Case No.: 1:22-cv-10473-GAO

**DEFENDANT THE WANG CENTER FOR THE
PERFORMING ARTS, INC. D/B/A BOCH CENTER’S
MOTION TO DISMISS PLAINTIFF’S FIRST AMENDED COMPLAINT**

Defendant The Wang Center for the Performing Arts, Inc. d/b/a Boch Center (“The Wang Center”) hereby moves to dismiss all claims asserted in the First Amended Complaint filed by the plaintiff, Michael Bush, pursuant to Federal Rule of Civil Procedure 12(b)(6).

As discussed in the Memorandum in Support of The Wang Center for the Performing Arts, Inc. d/b/a Boch Center’s Motion to Dismiss Plaintiff’s First Amended Complaint (“Memorandum”), which is supported by Exhibit A, appended to the Memorandum, and the Affidavit of Michael Szczepkowski, each count in Plaintiff’s Complaint fails to state a claim upon which relief can be granted. Thus, Plaintiff’s claims should be dismissed with prejudice.

Dated: May 3, 2022

Respectfully submitted,

The Wang Center for the Performing Arts, Inc.
d/b/a Boch Center

By its attorneys,

/s/ Bruce E. Falby

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Counsel for Defendant

REQUEST FOR ORAL ARGUMENT

Given the dispositive nature of the motion and the issue of law presented throughout the Memorandum, The Wang Center hereby respectfully requests oral argument on the present motion pursuant to Local Rule 7.1(d) of the U.S. District Court for the District of Massachusetts.

LOCAL RULE 7.1 STATEMENT

Pursuant to Rule 7.1(a)(2) of the Local Rules of the United States District Court for the District of Massachusetts, counsel for Defendant certifies that they contacted counsel for Plaintiff in an attempt to confer on the issues addressed by this Motion on May 3, 2022. During that call, the parties engaged in a good-faith effort to resolve or narrow the issues raised by this motion; however, they were unable to do so.

/s/ Bruce E. Falby

Bruce E. Falby

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished this 3rd day of May, 2022 via the Court's ECF system to:

Richard C. Chambers, Jr., Esq.
Chambers Law Office
220 Broadway, Suite 404
Lynnfield, MA 01940

Counsel for Plaintiff

/s/ Bruce E. Falby

Bruce E. Falby